

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BASSEY B NDEMENOH

Write the full name of each plaintiff.

____ CV ____
(Include case number if one has been assigned)

-against-

CITY UNIVERSITY OF NEW YORK , AND VINCENT
~~BOUDREAU AS PRESIDENT OF CITY COLLEGE OF~~
NEW YORK, AND ATTORNEY GENERAL OF NEW
YORK STATE

COMPLAINT

Do you want a jury trial?
☐ Yes ☐ No

Write the full name of each defendant. If you need more space, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed above must be identical to those contained in Section II.

RECEIVED
CLERK OF COURT
S.D. OF N.Y.
2020 JUN 11 PM 2:44

NOTICE

The public can access electronic court files. For privacy and security reasons, papers filed with the court should therefore *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number. See Federal Rule of Civil Procedure 5.2.

I. BASIS FOR JURISDICTION

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation, and the amount in controversy is more than \$75,000, is a diversity case. In a diversity case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal-court jurisdiction in your case?

☒ **Federal Question**

☐ **Diversity of Citizenship**

A. If you checked Federal Question

Which of your federal constitutional or federal statutory rights have been violated?

CIVIL RIGHTS VIOLATIONS, DISCRIMINATION ON AGE, RACE, COLOR, ETHNICITY (MEMBERSHIP OF A PROTECTED CLASS)

AGE DISCRIMINATION ACT OF 1975, FALSE ARREST, UNLAWFUL IMPRISONMENT, MALICIOUS PROSECUTION.

UNLAWFUL SEIZURE AND CONFISCATION OF PROPERTY (ELECTRONIC DEVICES) FOURTH AMENDMENT

DENIAL OF RIGHTS TO A FAIR AND PROCEDURAL HEARING AND INTERRUPTION IN ACADEMIC PROGRAM

B. If you checked Diversity of Citizenship

1. Citizenship of the parties

Of what State is each party a citizen?

The plaintiff, _____, is a citizen of the State of
(Plaintiff's name)

(State in which the person resides and intends to remain.)

or, if not lawfully admitted for permanent residence in the United States, a citizen or subject of the foreign state of

If more than one plaintiff is named in the complaint, attach additional pages providing information for each additional plaintiff.

If the defendant is an individual:

The defendant, _____, is a citizen of the State of
(Defendant's name)

or, if not lawfully admitted for permanent residence in the United States, a citizen or
subject of the foreign state of

If the defendant is a corporation:

The defendant, _____, is incorporated under the laws of
the State of _____

and has its principal place of business in the State of _____

or is incorporated under the laws of (foreign state) _____

and has its principal place of business in _____.

If more than one defendant is named in the complaint, attach additional pages providing
information for each additional defendant.

II. PARTIES

A. Plaintiff Information

Provide the following information for each plaintiff named in the complaint. Attach additional
pages if needed.

BASSEY	B	NDEMENOH
First Name	Middle Initial	Last Name
521 W 126TH STREET		
Street Address		
NEW YORK	NEW YORK	10027
County, City	State	Zip Code
929-360-6357	ndemenoh78@yahoo.com	
Telephone Number	Email Address (if available)	

B. Defendant Information

To the best of your ability, provide addresses where each defendant may be served. If the correct information is not provided, it could delay or prevent service of the complaint on the defendant. Make sure that the defendants listed below are the same as those listed in the caption. Attach additional pages if needed.

Defendant 1:	<div>CITY UNIVERSITY OF NEW YORK- CUNY</div> <hr/> <div>First Name Last Name</div> <div>GENERAL COUNSEL</div> <hr/> <div>Current Job Title (or other identifying information)</div> <div>205 East 42nd Street 11th floor</div> <hr/> <div>Current Work Address (or other address where defendant may be served)</div> <div>NEW YORK NEW YORK 10017</div> <hr/> <div>County, City State Zip Code</div>
Defendant 2:	<div>VINCENT BOUDREAU</div> <hr/> <div>First Name Last Name</div> <div>PRESIDENT-CITY COLLEGE OF NEW YORK</div> <hr/> <div>Current Job Title (or other identifying information)</div> <div>160 CONVENT AVENUE</div> <hr/> <div>Current Work Address (or other address where defendant may be served)</div> <div>NEW YORK NEW YORK 10031</div> <hr/> <div>County, City State Zip Code</div>
Defendant 3:	<div>ATTORNEY GENERAL NEW YORK STATE</div> <hr/> <div>First Name Last Name</div> <div>OFFICE OF THE ATTORNEY GENERAL</div> <hr/> <div>Current Job Title (or other identifying information)</div> <div>28 LIBERTY STREET 11 FLOOR</div> <hr/> <div>Current Work Address (or other address where defendant may be served)</div> <div>NEW YORK NEW YORK 10005</div> <hr/> <div>County, City State Zip Code</div>

Defendant 4:

First Name

Last Name

Current Job Title (or other identifying information)

Current Work Address (or other address where defendant may be served)

County, City

State

Zip Code

III. STATEMENT OF CLAIMPlace(s) of occurrence: NEW YORK CITYDate(s) of occurrence: NOVEMBER 26, 2016, NOVEMBER 28, 2016, DECEMBER 7, 2016, JANUARY 28, 2017, AND MARCH 26, 2017**FACTS:**

State here briefly the FACTS that support your case. Describe what happened, how you were harmed, and what each defendant personally did or failed to do that harmed you. Attach additional pages if needed.

On November 26, 2016, as a student in the City College of New York, CUNY, I was discriminated against on age and dropped from participating in a research study by an employee of CUNY, Tanni Baidya. The age for the program was 18 or older and I was eligible by that criteria based on a sign up email confirmation of October 20, 2016. Two days later, November 28, 2016, I was arrested, detained, bullied, coerced, intimidated and criminalized by a CUNY campus safety officer, Anthony Laperuta, over two purported malicious emails that threatened to kill the study coordinator and Dr. Robert Melara of psychology department. I was searched without my consent and my electronic devices (computer and cell phone) confiscated against my pleas of innocence and exculpatory evidence. City College hastily suspended me temporarily without hearing from me or investigating the matter.

Upon my release from jail on November 29, 2016, I appealed the suspension and met with another CUNY employee, George Rhinehart with the title of a director who also claimed to act on behalf on the dean. This college official also coerced me and insisted I sign some documents in exchange for a one semester suspension. I refused to sign the documents and queried why the College has not investigated the matter and pointed to him that the College has denied me the right to a fair and procedural hearing. Sensing my unwillingness to succumb to their ploy, the official reluctantly agreed to refer the matter to the Student Faculty Disciplinary Committee scheduled to hold on December 9, 2016, which I accepted to attend.

However, the meeting did not hold because Mr. Rhinehart had invited me to his office on December 7, 2016, to inform me about the cancellation and apologized on behalf of

the dean for the inconveniences caused and the interruption with my studies. He stated further that those malicious emails did not originate from my devices as nothing was found linking them to me - the apology was verbal. Thereafter, Mr. Rhinehart asked me to return to school and sent out emails on December 8, 2016, to my professors asking them to readmit me into their classes. In his email of December 7, 2016, captioned "Cancellation of Student Disciplinary Hearing" Mr Rhinehart threatened me with a second arrest and restricted my movement to specific areas on campus thus: "You are also prohibited from entering into the Psychology Department Research area in NAC Building 7th floor" and "Failure to comply with these orders will result in your immediate arrest". In so doing, the college official became a court of law and issued orders I must obey and comply with.

Please additional pages are attached

INJURIES:

If you were injured as a result of these actions, describe your injuries and what medical treatment, if any, you required and received.

REPUTATIONAL INJURY, PAIN AND SUFFERING, EMOTIONAL DISTRESS

IV. RELIEF

State briefly what money damages or other relief you want the court to order.

\$500,000.00 AND REVERSAL OF SUSPENSION ON MY RECORDS

ADDITIONAL PAGES CONTINUING FROM PAGE 6 (FACTS)

In so doing, the college official usurped the function of a duly constituted committee, became a court of law, and issued orders I must obey and comply with in flagrant violation of my constitutional rights to ; fair hearing and freedom of movement.

To correct these wrongdoings meted to me, I filed complaints on discrimination on age, ethnicity, racial profiling, and maltreatment with five City College and CUNY officials on January 3, 5, and 31, 2017. As it stands, none of these officials responded to my complaint and the case was never investigated by City College and CUNY. I was further discriminated against as my scholarship was also terminated by Dee Dee Mozeleski, another employee of City College and CUNY via an email of January 23, 2017, citing my involvement in a student disciplinary matter. In February 17, 2017, I filed a complaint with the Office for Civil Right (OCR), who accepted to investigate my complaint. OCR indicted City College for not responding to my complaints and recommended training for its employees. OCR did not complete the investigation because according to them, City College had opted for a voluntary resolution of my matter, and OCR referred the case back to City College to investigate without my consent. City College opted for a voluntary resolution of the matter in order to escape OCR's wrath on the one hand and to sweep the matter under the rug on the other. As of today, City College and CUNY never investigated my complaint.

Consistent with Mr Rhinehart's threat of rearresting me in a prior email, I was rearrested a second time in March 27, 2017, in my former residence in New York over the same malicious emails. On March 30, 2017, three days after my second arrest, Mr.Rhinehart sent me another email titled "Possible Student Conduct Violation" in which he restated that the matter would be referred to the Student Faculty Disciplinary Committee. Again, the committee never met and the college covered up the matter as they did in the first instance. The reiteration of referring the matter to the Disciplinary Committee was just a ruse. The second arrest occurred three months after George Rhinehart, acting on behalf of the dean and City College cleared me of any wrongdoing, apologized, and asked me to return to school.

As the two criminal cases progressed in courts, subpoenas (discovery) were obtained and the malicious emails were linked to a college employee, Tanni Baidya's IP address and devices. Accordingly, the charges of November 28, 2016 and March 27, 2017 were dismissed and sealed with certificates of disposition of June 26, 2017, and May 31, 2017 respectively.

The facts of this case and the evidence in the emails from a College Director- George Rhinehart show the degree of collaboration among these employees in perpetrating and concealing the discriminatory practices as well as my civil rights violations.. As it stands, a college employee made up those malicious emails to cover up the discrimination and possibly send me to jail with the support of City College and CUNY who never investigated the matter nor grant me the

opportunity to be heard.

As an African-American that identify with a protected class, these incidents are tied to my age, race, ethnicity and color. I was dropped from a study program and lost the credits for the course for the semester. I was unlawfully arrested twice over emails I never sent, suspended, my devices confiscated, and criminalized. I was harmed in very significant ways; my civil rights have been grossly violated, My movement was unlawfully restricted and I have been denied the rights to a fair and procedural hearing. I was severely harmed twice by two malicious prosecution and imprisonment through the intentional acts of City College and CUNY employees.

During the period of my suspension, I missed classes, tests, exams, presentations and deadlines for paper submissions and this impacted negatively upon the quality of my grades for that term. The confiscation of my mobile devices crippled my studies. I lost very vital pieces of academic materials and research papers as well as other study-related documents stored in my computer. Some of these documents are irredeemable. It also became very difficult for me to continue with my study without my computer in subsequent semesters since I depended on it to do my academic work. All these are in addition to the pain and suffering I went through. Therefore, this lawsuit is to seek relief and redress for the harm done to me.

V. PLAINTIFF'S CERTIFICATION AND WARNINGS

By signing below, I certify to the best of my knowledge, information, and belief that: (1) the complaint is not being presented for an improper purpose (such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation); (2) the claims are supported by existing law or by a nonfrivolous argument to change existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Federal Rule of Civil Procedure 11.

I agree to notify the Clerk's Office in writing of any changes to my mailing address. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Each Plaintiff must sign and date the complaint. Attach additional pages if necessary. If seeking to proceed without prepayment of fees, each plaintiff must also submit an IFP application.

MAY 22, 2020

Dated

BASSEY

B



Plaintiff's Signature

NDEMENOH

First Name

Middle Initial

Last Name

521 W 126TH STREET

Street Address

NEW YORK

NEW YORK

10027

County, City

State

Zip Code

929-360-6357

ndemenoh78@yahoo.com

Telephone Number

Email Address (if available)

I have read the Pro Se (Nonprisoner) Consent to Receive Documents Electronically:

☒ Yes ☐ No

If you do consent to receive documents electronically, submit the completed form with your complaint. If you do not consent, please do not attach the form.

Basssey B. Ndememeh
521 W 126th Street
New York NY 10027

US DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Pro Se Intake Unit - Room 200
US District Court for the Southern District, N
500 Pearl Street
New York, New York 10007

S.D. OF N.Y.

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US DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

